

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

School Education – Aided - Permission for filling up of two vacant aided posts of SGTs in Chenchu Aided Upper Primary School, Nallacheruvu, Guntur – Orders – Issued.

EDUCATION [SE-PS.1] DEPARTMENT

G.O.Ms. No. 27

Dated: 23.04.2012.

Read the following :

1. G.O.Ms.No.1 Edn., dt.01.01.1994 and amendments issued from time to time.
2. From the Hon'ble High Court, Order dt.08.08.2002 in WP No.26342/2001.
3. Proceedings of C&DSE. L.Dis.No.165/B1-3/2002, dt.**07.06.2003**.
4. Govt.Memo.No.12080/COSE/A2/2004-4, dated 20.10.2004.
5. From the Hon'ble High Court, Order dt.09.12.2004 in WP No.22188/2004.
6. Writ Appeal No.2034/2005 filed against the orders of Hon'ble High Court, dt.09.12.2004 in WP No.22188/2004.
7. From the Hon'ble High Court, Order dt.29.12.2006 in WA No.1578/2005 & batch.
8. From the Hon'ble Supreme Court, Judgment dt.06.09.2011 in SLP No.9541/2007 & batch.
9. From the C&DSE, Lr.Rc.No.36/B2-1/2007-2,dt.27.12.2011 & dt.21.01.2012.
10. G.O.Ms.No.19 Edn.(SE-PS.1), Dated 12.03.2012.
11. G.O.Ms.No.20 Edn.(SE-PS.1), Dated 15.03.2012.
12. G.O.Ms.No.21 Edn.(SE-PS.1), Dated 19.03.2012.
13. From the C&DSE, Lr.Rc.No.36/B2-1/2007, dt.20.03.2012 & dt.13.04.2012.
14. From the C&DSE, Lr.Rc.No.67/B1-3/2006, dt.16.04.2012.
15. From the Hon'ble High Court, order dt.13.04.2012 in CC No.704/2005 in WP No.22188/2004.
16. From the G.P.for School Education, High Court, Lr.No.CC No.704/2005/SE/VVRR, dt.20.04.2012.

ORDER:

In pursuance of orders of Hon'ble High Court in the reference 2nd read above, the Commissioner & Director of School Education, Hyderabad, issued instructions to the District Educational Officer, Guntur, to take necessary action for filling up the vacant aided posts in Chenchu Aided Upper Primary School, Nallacheruvu, Guntur, vide proceedings 3rd read above.

2. While the proposals of the management were pending, Government imposed ban on filling up of aided posts, vide reference 4th read above.

3. The management filed WP No.22188/2004 and the Hon'ble High Court allowed the W.P., vide order 5th read above, and the operative portion of the order is as follows :

“In the instant case, consequent upon retirement of two aided teachers, the petitioner sent proposals to the competent-authority for filling up the aided posts, and when it did not receive consideration, the petitioner filed writ petition in W.P. No.26342 of 2001, and this Court while disposing of the said writ petition, by order dated 8.8.2002, directed the respondents to consider the proposals submitted by the petitioner for filling up of two aided vacancies. Pursuant to the order of this Court, it is required to notice that respondent No.2 (C&DSE) even issued proceedings dated 7.6.2003 directing respondent No. 3 (DEO) to take necessary steps for filling up of two vacant aided posts in the school run by the petitioner that arose due to the retirement of two aided Teachers. The general ban on recruitment imposed by the Government came into force only from 20.10.2004, whereas the petitioner submitted proposals for filling up of the two aided posts way back in the year 2001, and the same cannot be made applicable to the case of the petitioner and more so when respondent No.2 (C&DSE) had even directed respondent No.3 (DEO) to take appropriate steps for filling up the two vacant aided posts in pursuance of the orders passed by this Court in the writ petition, filed by the petitioner challenging the inaction on the part of the respondents in considering the proposals sent by the petitioner for filling up the two aided posts that arose consequent upon retirement of two aided teachers.

In the above view of the matter, and having regard to the fact that there is already an order dated 8.8.2002 by this court in W.P. No. 26342 of 2001, directing the respondents to consider the proposals sent by the petitioner for filling up the two aided posts, the respondents also having taken some steps in pursuance thereof, now cannot be allowed to contend that in view of the Memo dated 20.10.2004 issued by the Government imposing general ban on recruitment, the proposals sent by the petitioner for filling up the two aided vacancies, have not been considered.

In the result, the writ petition is allowed and the respondents are hereby directed to take necessary steps to fill up the two vacant aided posts in Chenchu Aided Upper Primary School, Nallacheruvu, Guntur, in accordance with law. No costs."

4. The petitioner filed contempt case 704/2005 in the Hon'ble Court for implementation of the orders dated 09.12.2004 in WP 22188/2004.

5. In pursuance of the Judgment of the Hon'ble Supreme Court 8th read above, and in continuation of the proposals 9th read above / orders issued in G.Os., 10th to 12th read above, the Commissioner & Director of School Education, Hyderabad, has furnished proposals in respect of Chenchu Aided Upper Primary School, Nallacheruvu, Guntur, among others, vide reference 13th read above.

6. After careful examination of the matter, Government hereby accord permission for filling up of two vacant aided posts of SGTs in Chenchu Aided Upper Primary School, Nallacheruvu, Guntur, in terms of rules issued in G.O.Ms.No.1, Edn., dt.01.01.1994, in the light of instructions issued by the Commissioner & Director of School Education in Proc.dt.07.06.2003 and the orders of Hon'ble High Court dt.09.12.2004 in W.P.No.22188/2004.

7. The Commissioner & Director of School Education, Hyderabad, shall take necessary action accordingly in the matter.

8. This order issues with the concurrence of Finance (ESE) Department, vide their U.O.No.4595/269/ESE/12, dated 21.04.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G.GOPAL
PRINCIPAL SECRETARY TO GOVERNMENT(SE)(FAC)

To
The Commissioner & Director of School Education, Hyderabad.
Copy to the District Educational Officer, Guntur.
Copy to the G.P.for School Education, High Court, Hyderabad.
Copy to the Finance (ESE) Department.
SF/SCs

// FORWARDED : BY ORDER //

SECTION OFFICER